Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Text

CONFIDENTIAL

PAGE 01 STATE 047463

67
ORIGIN EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 IO-14 MC-02 ACDA-19 EB-11 AID-20 IGA-02 /157 R

DRAFTED BY EA/TB:VLTOMSETH:MAC
APPROVED BY EA/TB:JBDEXTER
PM/SAS:JCLUNAN H:ASCHNEE
PM/ISO:DPASSAGE
L/PM:JMICHEL
L/EA:EVERVILLE
OSD/PA:BGCUTRONA
OSD/GC:JSILBER
OSD/ISA:JKELLY
EA/P:AHROSEN
---------- 042767
P R 082241Z MAR 74
FM SECSTATE WASHDC
TO AMEMBASSY BANGKOK PRIORITY
CINCPAC HONOLULU HI PRIORITY
INFO COMUSMACTHAI
USSAG NKP
13TH ADVON UDORN

C O N F I D E N T I A L STATE 047463

JOINT STATE/DEFENSE MESSAGE

E.O. 11652: GDS
TAGS: MASS, EAID, TH
SUBJECT:MEDIA ACCESS TO BASES IN THAILAND.

REF: A. BANGKOK 2691 B. STATE 46104

1. PER REQUEST REFTEL, FOLLOWING IS GUIDANCE FOR HANDLING REQUESTS BY AMERICAN (AND OTHER) MEDIA REPRESENTATIVES TO VISIT US MILITARY UNITS OPERATING IN THAILAND:
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 047463

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

A. BASES AND INSTALLATIONS OVER WHICH THE RTG EXERCISES NO AUTHORITY TO GRANT OR DENY ACCESS, IF ANY, DO NOT COME UNDER THE PROVISIONS OF SECTION 29 OF THE FOREIGN ASSISTANCE ACT OF 1973.

B. US AUTHORITIES MAY DENY MEDIA REPRESENTATIVES ACCESS TO CERTAIN FACILITIES AND OPERATIONS FOR REASONS OF US NATIONAL SECURITY; SECTION 29 IS NOT APPLICABLE TO SUCH ACTION EVEN WHERE THE RTG EXERCISES PRIMARY CONTROL OVER ACCESS TO THE BASES FROM WHICH THE OPERATIONS ARE CONDUCTED OR WHERE THE FACILITIES ARE LOCATED.

C. THE PHRASE, "CONSISTENT WITH SECURITY," IN SECTION 29 HAS BEEN CONSTRUED AS A REFERENCE TO HOST COUNTRY SECURITY COVERING NOT ONLY SPECIFIC PROJECTS AND PROGRAMS, BUT ALSO THE BROADER QUESTION OF PUBLICITY REGARDING MILITARY POSTURE ALLIANCES, AND FOREIGN POLICY; RTG DENIAL OF ACCESS FOR ANY

OR ALL OF THESE REASONS BY MEDIA REPRESENTATIVES TO FACILITIES UTILIZED BY US MILITARY PERSONNEL WOULD NOT NECESSARILY BE REGARDED AS A VIOLATION OF SECTION 29.

D. SINCE MEDIA VISITS MAY BE DISRUPTIVE TO OPERATIONS AND TRAINING SCHEDULES, THE PHRASE "REGULAR BASIS" IS NOT IN-TERPRETED TO MEAN ACCESS UPON DEMAND.

E. BECAUSE OF STAFF LIMITATIONS, BASE VISITS BY MEDIA REPRESENTATIVES WILL BE ARRANGED ON A GROUP BASIS TO THE EXTENT POSSIBLE.

F. NORMAL LEAD TIME FOR REQUESTING VISITS WILL BE AT LEAST TEN WORKING DAYS; FAILURE TO APPLY FOR VISIT PRIOR TO AR-RIVAL IN THAILAND WILL NOT BE A LEGITIMATE REASON IN IT-SELF FOR WAIVER OF THIS REQUIREMENT.

YOU MAY INFORM MEDIA REPRESENTATIVES OF THESE GUIDELINES.

2. DISCUSSION:

A. TO DENY ACCESS TO INTELLIGENCE INSTALLATIONS SUCH AS CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 047463

RAMASUN AND KO KHA ON THE PREMISE THAT "LAUNCHING OPERA-TIONS" IS NOT INCLUDED AMONG THEIR FUNCTIONS (PARA 7, SUB-PARA A, OF REF A) IS UNTENABLE IN LIGHT OF BROAD CON-STRUCTION GIVEN STATUTE IN ORDER TO AVOID POSSIBLE FUTURE DIFFICULTIES. US AUTHORITIES, HOWEVER, COULD DENY ACCESS TO SUCH INSTALLATIONS FOR LEGITMATE US NATIONAL SECURITY REASONS. IF WE WISH TO LIMIT ACCESS TO THESE INSTALLATIONS, IT SHOULD BE DONE FOR US SECURITY REASONS IN THE FIRST

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

INSTANCE AND NOT AS A FALLBACK POSITION. RATIONALE FOR DENIALS SHOULD BE COORDINATED WITH WASHINGTON.

B. WHEN CONGRESS ENACTED SECTION 29 IT DID NOT INTEND TO PENALIZE ANY COUNTRY, INCLUDING THAILAND, FOR PROTECTING ITS OWN SECURITY INTERESTS. NOR DID CONGRESS DISPUTE THE EXECUTIVE BRANCH'S POSITION THAT "CONSISTENT WITH SECURITY" INCLUDED SUCH THINGS AS A COUNTRY'S MILITARY POSTURE, ALLIANCES, AND FOREIGN POLICY. THEREFORE, THAILAND CAN LEGITIMATELY CITE THESE CONSIDERATIONS IN DENYING ACCESS TO SUCH FACILITIES AS USSAG WHICH ARE DIRECTLY CONCERNED WITH COUNTRIES OCCUPYING A CENTRAL POSITION IN THAILAND'S FOREIGN POLICY FORMULATION AND MILITARY POSTURE. THE KEY WORDS ARE "ALLIANCES," "MILITARY POSTURE," AND FOREIGN POLICY," NOT "SOVEREIGNTY," WHICH PERHAPS COMES FIRST TO THE MINDS OF MANY THAI OFFICIALS. HOWEVER,WE CANNOT BLINDLY ACCEPT THE RTG'S CLOTHING DENIALS UNDER THE GUISE OF SECURITY; SUCH CLAIMS MUST BE EVALUATED IN THE LIGHT

OF US CONCEPTS OF SECURITY FOR TO DO OTHERWISE IN EFFECT WOULD MAKE THE EXECUTION OF PROVISION IN SECTION 29 SOLELY A THAI RESPONSIBILITY.

C. THE MISSION IN RECENT WEEKS HAS BEEN COMMENDABLY RESPONSIVE TO REQUESTS BY MEDIA REPRESENTATIVES TO VISIT US MILITARY ACTIVITIES IN THAILAND. WE BELIEVE THE NEED TO BE RESPONSIVE AND MAINTAIN COMPLIANCE WITH THE PURPOSE OF SECTION 29 WILL BE SATISFIED BY RTG ACCESS POLICY WHICH IS CONSISTENT WITH LAW AS INTERPRETED IN PARA 1 ABOVE.

D. THE PRESIDENT MADE THE DETERMINATION REQUIRED BY SECTION 29 ON JANUARY 28, THEREBY FULLY EXECUTING THIS CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 047463

STATUTORY FUNCTION. INCONSISTENT SUBSEQUENT ACTIONS BY THE RTG CANNOT LEGALLY OPERATE TO TERMINATE US ASSISTANCE UNDER THE SECTION UNLESS PREMISE OF PRESIDENT'S DETERMINATION WERE SO VITIATED THAT HE MIGHT FEEL COMPELLED TO REVERSE HIS DECISION WITH RESPECT TO THAILAND. OF COURSE, US IS NOT LEGALLY OBLIGED TO CONTINUE SUCH ASSISTANCE IN ANY EVENT. MORE IMPORTANT, HOWEVER, SECTION 29 OF THE FAA OF 1973 ONLY COVERS ASSISTANCE PROGRAMS FOR FY 1974 AND CERTAIN CATEGORIES OF ECONOMIC ASSISTANCE FOR FY 1975. IN VIEW OF THIS FACT, A REFUSAL BY THAI AUTHORITIES TO PERMIT REGULAR MEDIA ACCESS TO US MILITARY OPERATIONS AND FACILITIES IN THAILAND COULD RESULT IN PERMANENT LEGISLATION MORE RESTRICTIVE THAN THE TERMS OF SECTION 29 WHICH IN TURN COULD THREATEN THE ASSISTANCE PROGRAMS FOR THAILAND AND EVENTUALLY COULD RESULT IN A THAI REVIEW OF THE

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

DESIRABILITY OF HAVING US MILITARY FORCES IN THAILAND. IT IS THIS PRIVILEGE WE WANT TO PROTECT, NOT ASSISTANCE PROGRAMS FOR THAILAND PER SE. TO ASSUME THAT BECAUSE THE TERMS OF THE FAA OF 1973 HAVE BEEN MET OBVIATES THE NEED TO CONTINUE TO BE MINDFUL OF THE POSITION OF CONGRESS ON MEDIA ACCESS TO US MILITARY OPERATIONS AND FACILITIES WOULD BE SHORT-SIGHTED IN THE EXTREME. KISSINGER

CONFIDENTIAL

NNN

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, VISITS, JOURNALISTS, MILITARY BASES
Control Number: n/a
Copy: SINGLE
Draft Date: 08 MAR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE047463
Document Source: CORE
Document Unique ID: 00
Drafter: VLTOMSETH:MAC
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: STATE JOINT
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740356/aaaacaip.tel
Line Count: 176
Locator: TEXT ON-LINE
Office: ORIGIN EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: A. BANGKOK 2691 B. STATE 46104
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 12 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12-Aug-2002 by cunninfx>; APPROVED <14 JAN 2003 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EDIA ACCESS TO BASES IN THAILAND.
TAGS: MASS, EAID, TH, US
To: BANGKOK
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005